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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,550	04/26/2001	Raymond S. Bamford	ENSY-004	9238
22862	7590	06/02/2006	EXAMINER	
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			ROBINSON BOYCE, AKIBA K	
			ART UNIT	PAPER NUMBER
			3639	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/843,550

Applicant(s)

BAMFORD ET AL.

Examiner

Akiba K. Robinson-Boyce

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 3/8/06, the following is a non-final office action. Prosecution for this case has been re-opened. Claims 1-25 are pending in this application, have been examined on the merits, and are rejected as follows.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US 6,754,636), and further in view of Walker et al (US 6,332,129).

As for Claim 1, Walker et al. discloses a method comprising:  
receiving the electronic price request for the buyer, (see Figs. IB, IOB, 26A, 26B);  
in response to the electronic price request, performing a computer-executed act of determining whether title to the goods passes directly from the manufacturer to the buyer or through an intermediate e-market place (col. 20, lines 30-64);

Providing the buyer with a machine-readable signal for displaying the computed price, (Col. 33, line 63-col. 34, line 3, shows that the POS register receives a verification

signal and processes the transaction, which issues the buyer a receipt for an amount due).

Walker '636 does not specifically disclose the following, but does disclose displaying the price of the goods in Fig. 20, where the price needs to be computed if it is actually displayed, and Walker '636 also shows that once the buyer offer has been accepted by the seller, a freeze may be place on the buyer's funds for the amount of the product price, plus any applicable tax amount calculated, thus indicating that the total price [including tax] is computed to be deducted from the buyer's funds in col. 30, lines 36-40.

However, Walker et al '129 discloses:

computing a price of the goods to the buyer based at least partially on the determining act, (Col. 2, lines 7-21, shows an existing method where a customer first goes on-line to purchase an airline ticket, makes a price offer, however, upon rejection of the price offer, a representative directly from the manufacturer [the airline] contacts the customer and counter-offers a price to the customer). Walker et al '129 discloses this limitation in an analogous art for the purpose of showing that a price determination must be made as a result of the customer obtaining the airline package directly from the manufacturer instead of making the purchase through the website on the Internet.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to compute a price of the goods to the buyer based at least partially on the determining act with the motivation of showing that the price will vary

according to whether or not the buyer purchased goods directly from the manufacturer, or through an intermediate e-market place.

As for Claim 2, Walker et al. '636 further discloses the method wherein a first pricing regime is implemented when it is determined that title to the goods passes directly from the manufacturer to the buyer (This is inherently true for all the direct transactions between the buyer and manufacturers. Otherwise, the manufacturer will commit fraud by not delivering the title to the buyer who paid for the goods. See Supra Figs. IOB, 26A, B).

As for Claim 3, Walker et al. '636 further discloses the method, wherein when it is determined that title passes through an intermediate e-market place, the method further includes determining whether to implement the first pricing regime or a second pricing regime (see Supra column and col. 36, lines 7-19; col. 37, lines 15-30).

As for Claim 4, Walker et al. '636 further discloses the method including the step of determining whether to discount a price (see Id.).

As for Claim 5, Walker et al. '636 further discloses the method, wherein a discount is determined based on volume of a current order (see supra column 37).

As for Claim 6, Walker et al. '636 further discloses the method, wherein a discount is determined based on: a stocking/handling charge (the buyer's address or location is pertinent to this, see col. 37, lines 5-30).

As for Claim 7, Walker et al. '636 further discloses the method including the step of determining whether to customize the price (see Supra columns for customizing the price for a specific customer).

As for Claim 8, Walker et al. '636 further discloses the method, wherein the price is customized based on: geographic region, customer information, product line information, manufacturer information (see Supra column 37).

As Claim 9, Walker et al. '636 discloses a computer having logic programmable to execute method acts, method acts comprising:

- receiving the electronic request from the buyer, (see Figs. 1B, 1OB, 26A, 26B);
- in response to the electronic request, determining whether title to the goods passes directly from the manufacturer to the buyer or through an intermediate e-market place (col. 20, lines 30-64);

- Providing the buyer with a machine-readable signal for displaying the computed price, Col. 33, line 63-col. 34, line 3, shows that the POS register receives a verification signal and processes the transaction, which issues the buyer a receipt for an amount due).

Walker '636 does not specifically disclose the following, but does disclose displaying the price of the goods in Fig. 20, where the price needs to be computed if it is actually displayed, and Walker '636 also shows that once the buyer offer has been accepted by the seller, a freeze may be place on the buyer's funds for the amount of the product price, plus any applicable tax amount calculated, thus indicating that the total price [including tax] is computed to be deducted from the buyer's funds in col. 30, lines 36-40.

However, Walker et al '129 discloses:

- computing a price of the goods to the buyer based at least partially on the

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determining act, (Col. 2, lines 7-21, shows an existing method where a customer first goes on-line to purchase an airline ticket, makes a price offer, however, upon rejection of the price offer, a representative directly from the manufacturer [the airline] contacts the customer and counter-offers a price to the customer). Walker et al '129 discloses this limitation in an analogous art for the purpose of showing that a price determination must be made as a result of the customer obtaining the airline package directly from the manufacturer instead of making the purchase through the website on the Internet.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to compute a price of the goods to the buyer based at least partially on the determining act with the motivation of showing that the price will vary according to whether or not the buyer purchased goods directly from the manufacturer, or through an intermediate e-market place.

As for Claim 10, Walker et al. '636 further discloses the logic, wherein a first pricing regime is implemented when it is determined that title to the goods passes directly from the manufacturer to the buyer (This is inherently true for all the direct transactions between the buyer and manufacturers. Otherwise, the manufacturer will commit fraud by not delivering the title to the buyer who paid for the goods. See Supra Figs. IOB, 26A, B).

As for Claim 11, Walker et al. '636 further discloses the computer, wherein when it is determined that title passes through an intermediate e-market place, the method further includes determining whether to implement the first pricing regime or a second pricing regime (see Supra column and col. 36, lines 7-19', col. 37, lines 15-30).

As for Claim 12, Walker et al. '636 further discloses the logic programmable to determine whether to discount a price (see Id.).

As for Claim 13, Walker et al. '636 further discloses the logic, wherein a discount is determined based on volume of a current order (see Supra column 37).

As for Claim 14, Walker et al. '636 further discloses the logic, wherein a discount is determined based on: a stocking/handling charge (the buyer's address or location is pertinent to this, see col. 37, lines 5-30).

As for Claim 15, Walker et al. '636 further discloses the logic programmable to determine whether to customize the price (see Supra columns for customizing the price for a specific customer).

As for Claim 16, Walker et al. '636 further discloses the logic, wherein the price is customized based on: geographic region, customer information, product line information, manufacturer information (see Supra column 37).

As for Claim 17, Walker et al. '636 discloses a computer program product comprising:

computer readable code means for receiving the electronic price request from the buyer, (see Figs. 1B, 1OB, 26A, 26B);

computer readable code means responsive to receiving the electronic price request for determining whether title to the goods passes directly from the manufacturer to the buyer or through an intermediate e-market place, (col. 20, lines 30-64),

Computer readable code means for providing the buyer with a machine-readable signal for displaying the computed price, Col. 33, line 63-col. 34, line 3, shows that the



POS register receives a verification signal and processes the transaction, which issues the buyer a receipt for an amount due).

Walker '636 does not specifically disclose the following, but does disclose displaying the price of the goods in Fig. 20, where the price needs to be computed if it is actually displayed, and Walker '636 also shows that once the buyer offer has been accepted by the seller, a freeze may be place on the buyer's funds for the amount of the product price, plus any applicable tax amount calculated, thus indicating that the total price [including tax] is computed to be deducted from the buyer's funds in col. 30, lines 36-40.

However, Walker et al '129 discloses:

computer readable code means for computing a price of the goods to the buyer based at least partially on the determining, (Col. 2, lines 7-21, shows an existing method where a customer first goes on-line to purchase an airline ticket, makes a price offer, however, upon rejection of the price offer, a representative directly from the manufacturer [the airline] contacts the customer and counter-offers a price to the customer). Walker et al '129 discloses this limitation in an analogous art for the purpose of showing that a price determination must be made as a result of the customer obtaining the airline package directly from the manufacturer instead of making the purchase through the website on the Internet.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have computer readable means to compute a price of the goods to the buyer based at least partially on the determining act with the motivation of

showing that the price will vary according to whether or not the buyer purchased goods directly from the manufacturer, or through an intermediate e-market place.

As for Claim 18, Walker et al. '636 further discloses the computer program product, wherein a first pricing regime is implemented when it is determined that title to the goods passes directly from the manufacturer to the buyer (This is inherently true for all the direct transactions between the buyer and manufacturers. Otherwise, the manufacturer will commit fraud by not delivering the title to the buyer who paid for the goods. See Supra Figs. IOB, 26A, B).

As for Claim 19, Walker et al. '636 further discloses the computer program product, wherein when it is determined that title passes through an intermediate e-market place, the method further includes determining whether to implement the first pricing regime or a second pricing regime (see Supra column and col. 36, lines 7-19\*, col. 37, lines 15-30).

As for Claim 20, Walker et al. '636 further discloses the computer program product including the computer readable code means for determining whether to discount a price (see Id.).

As for Claim 21, Walker et al. '636 further discloses the computer program product, wherein a discount is determined based on volume of a current order (see Supra column 37).

As for Claim 22, Walker et al. '636 further discloses the computer program product, wherein a discount is determined based on: a stocking/handling charge (the buyer's address or location is pertinent to this, see col. 37, lines 5-30).

As for Claim 23, Walker et al. '636 further discloses the computer program product including the computer readable code means for determining whether to customize the price (see Supra columns for customizing the price for a specific customer).

As for Claim 24, Walker et al. '636 further discloses the computer program product, wherein the price is customized based on: geographic region, customer information, product line information, manufacturer information (see Supra column 37).

As for Claim 25, Walker et al. '636 discloses a data processing machine programmed to perform operations, the operations comprising:

receiving the request for quote/receiving from the buyer an electronic message comprising an RFQ, (see Figs. 1B, 1OB, 26A, 26B);

transmitting an electronic message representing a price of the goods to the buyer based at least partially on the determining step (see Fig. 20 for displaying the price of the goods).

Walker '636 does not specifically disclose the following, but does disclose displaying the price of the goods in Fig. 20, where the price needs to be computed if it is actually displayed, and Walker '636 also shows that once the buyer offer has been accepted by the seller, a freeze may be place on the buyer's funds for the amount of the product price, plus any applicable tax amount calculated, thus indicating that the total price [including tax] is computed to be deducted from the buyer's funds in col. 30, lines 36-40. Also see col. 20, lines 30-64 for determining whether the seller is a manufacturer or a retailer.

However, Walker et al '129 discloses:

responsive to receiving the RFQ, determining a price of the goods based at least partially upon a manufacturer's specification as to whether title to the goods will pass directly from the manufacturer to the buyer or through an intermediate, (Col. 2, lines 7-21, shows an existing method where a customer first goes on-line to purchase an airline ticket, makes a price offer, however, upon rejection of the price offer, a representative directly from the manufacturer [the airline] contacts the customer and counter-offers a price to the customer). Walker et al '129 discloses this limitation in an analogous art for the purpose of showing that a price determination must be made as a result of the customer obtaining the airline package directly from the manufacturer instead of making the purchase through the website on the Internet.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have computer readable means to compute a price of the goods to the buyer based at least partially on the determining act with the motivation of showing that the price will vary according to whether or not the buyer purchased goods directly from the manufacturer, or through an intermediate e-market place.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

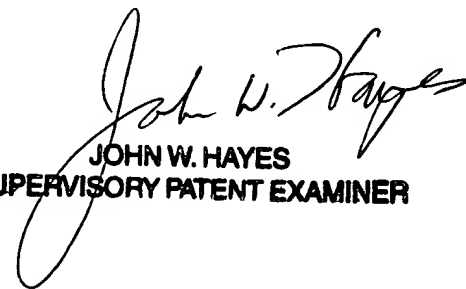
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.  
May 26, 2006



JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER